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### FINDLAW DAILY OPINION SUMMARIES U.S. 1ST CIRCUIT COURT OF APPEALS

Banking Law, Property Law & Real Estate

#### **Ruivo v. Wells Fargo Bank, N.A., No. 13-1222**

Dismissal of plaintiff's common law fraud claim and promissory estoppel claim is affirmed, where both claims were found to be inadequately pleaded.

Debt Collection

#### **Pollard v. Law Office of Mandy L. Spauldi, No. 13-2478**

Judgment of the district court, concluding that a collection letter received by plaintiff violated section 1692g of the Fair Debt Collection Practices Act (FDCPA) is affirmed, where: 1) the FDCPA requires that collection letters not be confusing; and 2) in determining whether a collection letter is confusing, the letter is to be viewed from the perspective of the hypothetical unsophisticated consumer.

Labor & Employment Law, Commercial Law, Injury & Tort Law

#### **Debnam v. FedEx Home Delivery, No. 13-2335**

In this wage payment action brought by plaintiff against defendant-FedEx, in which the plaintiff also brought an unfair business practice claim under so called "Chapter 93A" of Massachusetts law, summary judgment in favor of defendant is affirmed, where: 1) the facts alleged in the complaint paint an ambiguous relationship between plaintiff and defendant, not necessarily one of employee-employer; and 2) regardless of whether plaintiff was an employee, the allegations in his complaint do not plausibly establish that his actions satisfied Chapter 93A's conception of "trade or commerce" as required to prevail under the statute.